

Mail Stop Interference
P.O. Box 1450
Alexandria Va 22313-1450
Tel: 571-272-4683
Fax: 571-273-0042

Paper 30
Filed: 6 July 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Institut National de la Recherche Agronomique,
Junior Party
(Application 10/613,053
Inventors: Jun Imamura, Hideya Fujimoto, Ritsuko Yanagidate,
Nobuya Koizuka, Takako Sakai and Takahiko Hayakawa),

v.

BASF Plant Science GMBH, McGill University, and
DNA Landmarks, Inc.,
Senior Party
(Patent 7,314,971
Inventors: Fang-Ming Lai, Charles Dendy, Natasa Formanova,
Gregory G. Brown, Benoit S. Landry, Wing Cheung,
Hua Jin and Martin LaForest).

Patent Interference No. 105,682 (RES)
(Technology Center 1600)

Redeclaration

1 In view of the conference call held June 29, 2009, (See Paper 29) this
2 interference is redeclared in order to correct an error in claim
3 correspondence. In Paper 26, Agronomique's Claims 101 and 104 were
4 inadvertently left off the listing of Agronomique's claims corresponding to
5 the count. Those claims were originally identified as not corresponding to
6 the count. Paper 24, p. 3. However, as noted in Paper 26, Agronomique's
7 Claims 53 and 103 should have been designated as not-corresponding rather
8 than 101 and 104. When the interference was redeclared, designating
9 Claims 53 and 103 as not corresponding to the count, the listing of
10 Agronomique's claims corresponding to the count was not correctly updated
11 to reflect the change. Paper 26, p. 3. That oversight has now been
12 corrected.

13 **Identification and order of the parties**

14 **Junior Party**

15 Named inventors:	Jun Imamura
16	Hideya Fujimoto
17	Ritsuko Yanagidate
18	Nobuya Koizuka
19	Takako Sakai
20	Takahiko Hayakawa
21 Involved Application:	10/613,053 filed July 7, 2003
22 Title:	Protein Involved in Restoration of Cytoplasmic
23	Male Sterility to Fertility and
24	Gene Encoding the Protein and Gene
25 Assignee:	Institut National de la Recherche Agronomique

1

2

10

12

14

17

18

19

25

26

29

1 The claims of the parties which correspond to Count 1:

2 Application 10/613,053: Claims: 24-26, 28, 29, 32, 34, 37-41,
3 43, 44, 47, 53, 59, 63, 64,
4 73-102, 104-106

5 Patent 7,314,971: Claims: 1-18

6 The claims of the parties which do not correspond to Count 1, and, therefore,
7 are not involved in the interference:

8 Application 10/613,053: Claims: 54, 103

9 Patent 7,314,971: Claims: None

10 The parties are accorded the following benefit for Count 1:

11 Application 10/613,053: None

12 Patent 7,314,971: None

13

14

15

/Richard E. Schafer/
Administrative Patent Judge

cc (e-mail):

Attorney for Agronomique:

Kenneth J. Burchfiel, Esq.
William J. Simmons, Esq.
SUGHRUE MION, PLLC
2100 Pennsylvania Ave., NW,
Suite 800
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Attorney for BASF et al:

Robert G. McMorrow, Jr., Esq.
CONNOLLY BOVE LODGE &
HUTZ LLP
The Nemours Building
1007 North Orange Street
P.O. Box 2207
Wilmington, DE 19899
Phone: (302) 658-9141
Fax: (302) 658-5614